IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

Crl.MC.No. 214 of 2007()

AGAINST THE ORDER DATED 28/11/2006 IN ORDER IN
CMP.8981/2006 of JUDL.MAGISTRATE OF FIRST CLASS, MAVELIKKARA
CRIME NO.333 OF 2006 OF NOORANAAD POLICE STATION

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PETITIONER:

SATHIYAMMA, PALAVILA PUTHEN VEEDU,
KADUVINAL MURI, VALLIKUNNAM VILLAGE.

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SMT.KAVITHA GANGADHARAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

2. SUB INSPECTOR OF POLICE,
NOORANAD POLICE STATION.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 07/02/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

Crl.M.C.No.214 of 2007

Dated this the 7th day of February, 2007

ORDER

The petitioner claims to be the owner entitled to possession of a Maruti Wagon-R car, which is involved in Crime No.333 of 2006. The vehicle has been produced before the learned Magistrate. The petitioner applied for release of the vehicle before the learned Magistrate. But the learned Magistrate by the impugned order rejected the said prayer on the ground that investigation is pending.

2. The learned counsel for the petitioner submits that the impugned order reveals absence of application of mind. It is not necessary to continue to retain the vehicle in the custody of the court. The vehicle should have been released to the petitioner by the learned Magistrate, it is submitted.

3. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor submits and a statement to that effect is filed by the Investigating Officer, that the State has no objection in the vehicle being released to the registered owner of the vehicle. The petitioner claims to be the registered owner. I am, in these circumstances, satisfied that the impugned order can be set aside and the learned Magistrate can be directed to dispose of the application

filed by the petitioner afresh and to direct release of the vehicle to the registered owner on appropriate conditions.

4. This Crl.M.C is, in these circumstances, allowed to the above extent.

(R.BASANT, JUDGE)

rtr/-